

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:

CHRISTOPHER HARTSFIELD
HEIDI HARTSFIELD

CASE NO. 13-12919
JUDGE Jeffery P. Hopkins
CHAPTER 13

Debtors

**MOTION AND NOTICE TO APPROVE
PERMANENT MORTGAGE LOAN
MODIFICATION**

Now comes the Debtors, Christopher and Heidi Hartsfield, and requests that the Court approve the terms of the permanent mortgage loan modification attached hereto as Exhibit A.

Amended Schedules I and J were filed on January 21, 2017, Doc 73. No motion to modify the plan will be filed, and the percentage to unsecureds will remain at 100%.

MEMORANDUM IN SUPPORT

1. The debtors filed this case on June 19, 2013.
2. This case is above median income case.
3. The mortgage creditor affected by the loan modification is Ocwen Loan Servicing.
4. The payment address for the loan modification is the same as previously filed with the Court.
5. The mortgage is currently paid by Trustee.
6. The Trustee is instructed to stop paying the mortgage arrearage.
7. This is a conduit and Trustee shall continue to make the conduit payment.
8. The mortgage balance owed on the petition date was \$250,244.68.
9. The current (new) mortgage payment is \$1841.99 and the current interest rate is 8.25%.
10. The modified principal balance of the loan is \$230,932.12.
11. The new maturity date is March 1, 2036. The modification, effective

_____,
changes the mortgage payment to \$1841.99 starting December 1, 2016. The
new

mortgage interest rate is 3.0%.

12. The permanent mortgage payment includes escrow: \$528.97 (which may vary yearly).

13. The pre-petition arrears shall be: eliminated

- a. due as a balloon payment at the maturity of the loan with interest accruing on said arrears at the rate of _____
- b. re-amortized in the loan in full_____.
- c. re-amortized in the loan at the reduced amount of _____
- d. reduced to the amount of _____and due as a balloon payment at the maturity of the loan with interest accruing at the rate of _____
- e. eliminated: X .
- f. other (please explain)_____

14. The post-petition arrears, if any, shall be: N/A

- a. due as a balloon payment at the maturity of the loan with interest accruing on said arrears at the rate of _____
- b. re-amortized in the loan in full _____
- c. re-amortized in the loan at the reduced amount of _____
- d. reduced to the amount of _____ and due as a balloon payment at the maturity of the loan with interest accruing at the rate of _____
- e. eliminated _____
- f. other (please explain)

WHEREFORE, the debtors request the court to approve the attached permanent mortgage loan modification.

Respectfully submitted,
/s/Jayma C. Bagliore
O'CONNOR, ACCIANI & LEVY, LPA
Henry D. Acciani – 0028872
Jayma C. Bagliore – 0008844
Rick J. Enriquez – 0040020
600 Vine Street Ste 1600
Cincinnati, OH 45202
513-241-1371

NOTICE

Christopher and Heidi Hartsfield have filed papers with the court to approve a permanent loan modification .

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy.

If you do not want the court to order the Motion To payoff Chapter 13, or if you want the court to consider your views on the Motion to payoff Chapter 13, then within twenty-one (21) days from the date of service as set forth in the certificate of service below you or your attorney must file with the court a written request for a hearing {or, if the court requires a written response, an answer, explaining your position} at:

Clerk of the US Bankruptcy Court
Atrium Two, Suite 800
221 East Fourth Street
Cincinnati, Ohio 45202

You must also mail a copy to:

Jayma C. Bagliore
Attorney for Debtor
600 Vine Street
Suite 1600
Cincinnati, OH 45202

Margaret A. Burks
Chapter 13 Trustee
600 Vine Street
Suite 2200
Cincinnati, OH 45202

Office of the US Trustee
36 East Seventh Street
Suite 2030
Cincinnati, OH 45202

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: 4-12-2017

/s/Jayma C. Bagliore
O'CONNOR, ACCIANI & LEVY, LPA
Henry D. Acciani – 0028872
Jayma C. Bagliore – 0008844
Rick J. Enriquez – 0040020
600 Vine Street
Suite 1600
Cincinnati, OH 45202

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion To Approve Permanent Mortgage Loan Modification was served on all the registered ECF participants, **electronically** through the court's ECF systems at the email address registered with the court:

And on the following by **ordinary U.S. Mail** on April 12, 2017 addressed to:

Christopher and Heidi Hartsfield
5435 Amanda's Oak Court
Cincinnati, OH 45248

US Bank c/o Ocwen Loan Servicing
Bankruptcy Department
P.O. Box 24605
West Palm Beach, FL 33416

Ocwen Loan Servicing
1661 Worthington Road Ste 100
West Palm Beach, FL 33409

Adam Hall, Esq.
P.O. Box 165028
Columbus OH 43216

/s/Jayma C. Bagliore
O'CONNOR, ACCIANI & LEVY,
LPA
Henry D. Acciani – 0028872
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Rick J. Enriquez – 0040020
Attorney for Debtor